SINGLE BENCH

(1)

CF1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO.6953 OF 2006

PETITIONER — Powan Prakas Baghel, S/o Shri Chadi Lal Baghel, age about 25 years, R/o village Mohanbhata, P.O. Bharari, District-Bilaspur (C.G.)

P.R. No. 7/6/11/06 Presented by Shri Ashish Dubey dated 5/12/06

VERSUS

RESPONDENTS — 1] State of Chhattisgarh, Through Secreatary Revenue Department, Raipur (C.G.)

2] Collector, District- Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.6953 OF 2006

Petitioner : Powan Prakas Baghel

versus

Respondents : State of Chhattisgarh and another

Present : Mr. Ashok Dubey, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 14th Day of December, 2006)

The petitioner was posted at Patwari Halka No.31, Bhokaludih, Tahsil Pithora, District Mahasamund. By the impugned transfer order dated 30-11-2006, the petitioner was transferred from Patwari Halka No.31 to Patwari Halka No.19 within the same tahsil and district. The petitioner has impugned the transfer order on the ground that the order is *mala fide* as the same has been passed on the basis of political pressure of one Shri Prem Shankar Patel. Secondly, the Collector has no power to transfer any Government servant according to the transfer policy.

2. The petitioner has not impleaded Shri Prem Shankar Patel as a party – respondent against whom a malicious allegation has been made. The petitioner has further questioned the competence of

(23)

the Collector on the basis of the transfer policy, which prescribes that no transfer can be made after 30-6-2006 except in coordination with the Chief Minister through the Chief Secretary.

3. The petition does not contain all the material facts except a bold statement that violation of the transfer policy has been done. The petitioner could not establish allegation of *mala fide* as the person against whom the allegation has been made is not impleaded as a party – respondent to this case. This cannot be entertained.

4. With regard to violation of the transfer policy, if the transfer causes prejudice to the petitioner, interference may be required, but not in the present case, where the petitioner has been transferred within the same Tahsil Pithora from one block to other block in the same district. The petitioner has not shown any prejudice caused to him in the pleadings. It appears to be simple allocation of work from one patwari halka to other patwari halka within the same tahsil and district.

5. The petition is devoid of merit, lacks material facts. Thus, the petition is dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal